



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,086

10/11/2005

John P. Biondo

7175-78572

6612

23643 7590 10/27/2008
BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

EXAMINER

DEMILLE, DANTON D

ART UNIT

PAPER NUMBER

3771

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,086	Applicant(s) BIONDO ET AL.	
	Examiner Danton DeMille	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/06, 10/11/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. '091 in view of Weismiller et al. '548 and Sandman et al. '120.

Foster teaches, for example, a patient-support apparatus having a module-receiving cavity 110 with a latch 116 for attaching a compression module 12 removably attachable to the patient-support apparatus. The compression module 12 is for a ventilator.

Weismiller also teaches, for example, a patient-support apparatus having a power and control module 112, 186 that fits into a module-receiving cavity within the base of the patient-support apparatus as shown in figures 10 and 11 similar to Foster. Weismiller teaches, column 6, lines 53-59, "The bed of the present invention includes a base frame or a main frame upon which several basic components are mounted such as the system displays and the air compressor for the various air-driven treatment technologies. The base frame provides various care modules which are mountable on the bed and usable with the control network, display, and air compressors built therein." Weismiller also teaches "An open product architecture for the communication control network and air controls provides substantial flexibility for future additions of new modules" column 14, lines 48-50. Weismiller also teaches "Yet another of the plurality of air therapy devices is a sequential compression therapy device. A sequential compression device air control

module is provided for coupling the sequential compression device to the air handling unit.”

Weismiller also teaches “Sequential Compression Device (SCD)--This module will control the optional compression boots” column 66, lines 46-47. Weismiller also teaches “A sequential compression device 1512 for venous compression therapy of a patient is also provided” column 82, lines 12-13. Weismiller clearly teaches a patient-support apparatus having the ability of receiving a plurality of control modules including a sequential compression device inflatable to compress the patient’s limb for venous compression therapy.

Sandman teaches a conventional portable compression module 10 for a sequential compression sleeve adapted to couple to a patient’s limb for venous compression therapy. It would have been obvious to one of ordinary skill in the art to modify the patient-support apparatus of Foster to include a modular sequential compression sleeve system such as that taught by Sandman as an addition treatment therapy for the patient on the patient-support apparatus as further suggested by Weismiller.

Claims 3-12, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Bartlett et al. ‘096.

Weismiller appears silent with regard to exactly how the modular components are to be integrated into the patient-support apparatus however any conventional type of modular connection would have been obvious. Foster teaches a module receiving cavity 110 means to releasably connect 124 to communication lines. Weismiller also appears to show a similar module receiving cavity in figure 11. Weismiller also teaches a control unit in the handrail of the patient-support apparatus in figure 39. Foster and Weismiller appear silent with regard to these details because such is well within the realm of the artisan of ordinary skill. Bartlett teaches a

modular compression module 38 that is attachable to the foot board or the handrail column 6, lines 42-44. It would have been obvious to one of ordinary skill in the art to further modify Foster to mount the module on the foot board or handrail as taught by Bartlett or anywhere on the patient support apparatus as desired or required. Clearly there is criticality of location of the module since they can be located anywhere on the patient-support apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

28 October 2008

/Danton DeMille/
Danton DeMille
Primary Examiner
Art Unit 3771